



UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/002,011	12/05/2001	Eric Bastian	006038.00002

22907
BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON, DC 20001

CONFIRMATION NO. 3038

FORMALITIES LETTER



OC00000007270876

Date Mailed: 01/07/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 870.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

03/08/2002 TBESHAI1 00000067 190733 10002011

01 FC:101 740.00 CH

03/08/2002 TBESHAI1 00000067 190733 10002011

02 FC:105 130.00 CH



#3

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Eric Douglas Bastian et al.

Application No. 10/002,011

Group Art Unit: 1761

Filed: December 5, 2001

Examiner: TO BE ASSIGNED

For: THERAPEUTIC USES OF MILK
MINERAL FORTIFIED FOOD
PRODUCTS

Atty Docket: 006038.00002

RESPONSE TO "NOTICE TO FILE MISSING PARTS"Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the **NOTICE TO FILE MISSING PARTS OF APPLICATION--
FILING DATE GRANTED** dated January 7, 2002, Applicants submit herewith the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. Fee Transmittal Sheet Form PTO/SB17 (In Duplicate);
2. Supplemental Application Data Sheet;
3. Copy of the Notice to File Missing Parts;
4. Executed Declaration for Patent Application;
5. Executed Assignment with cover sheet; and
6. Information Disclosure Statement with Forms PTO-1449 and copies of the cited art.

The Assistant Commissioner for Patents is authorized to charge our Deposit Account No. 19-0733 the amount of **\$910.00**, as follows:

\$740.00 Base filing fee (Large entity);
\$130.00 Surcharge for late filing of executed Declaration; and
\$ 40.00 Recordation of Assignment.

It is not believed that extensions of time or fees for net addition of claims are required, except as provided in documents accompanying this Response. However, in the event that additional extensions of time are necessary, then such extensions of time are hereby petitioned under 37 CFR § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 19-0733.

Respectfully submitted,

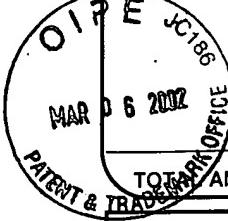
BANNER & WITCOFF, LTD.

Date: 3/6/02

By: Paul M. Rivard

1001 G Street N.W.
11th Floor
Washington, D.C. 20001
(202) 508-9100

Paul M. Rivard
Registration No. 43,446



FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 910)

Complete if Known	
Application Number	10/002,011
Filing Date	December 5, 2001
First Named Inventor	Eric Douglas Bastian et al.
Examiner Name	TO BE ASSIGNED
Group / Art Unit	1761
Attorney Docket No.	006038.00002

METHOD OF PAYMENT (check one)	
1. <input checked="" type="checkbox"/>	The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:
Deposit Account Number	19-0733
Deposit Account Name	BANNER & WITCOFF, LTD.
<input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	
2. <input type="checkbox"/>	Payment Enclosed:
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other	

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	740
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1)				(\$ 740)	

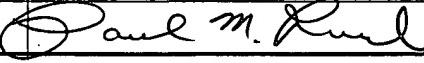
2. EXTRA CLAIM FEES

Total Claims	15	-20 **	= 0	X	Fee from below	= 0	Fee Paid
Independent Claims	3	-3 **	= 0	X		= 0	
Multiple Dependent				X		= 0	

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)				(\$ 0)	

** or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES	Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	130	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet		
139	130	139	130	Non-English specification		
147	2,520	147	2,520	For filing a request for reexamination		
112	920*	112	920*	Requesting publication of SIR prior to Examiner action		
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		
115	110	215	55	Extension for reply within first month		
116	400	216	200	Extension for reply within second month		
117	920	217	460	Extension for reply within third month		
118	1,440	218	720	Extension for reply within fourth month		
128	1,960	228	980	Extension for reply within fifth month		
119	320	219	160	Notice of Appeal		
120	320	220	160	Filing a brief in support of an appeal		
121	280	221	140	Request for oral hearing		
138	1,510	138	1,510	Petition to institute a public use proceeding		
140	110	240	55	Petition to revive – unavoidable		
141	1,280	241	640	Petition to revive – unintentional		
142	1,280	242	640	Utility issue fee (or reissue)		
143	460	243	230	Design issue fee		
144	620	244	310	Plant issue fee		
122	130	122	130	Petitions to the Commissioner		
123	50	123	50	Processing fee under 37 CFR 1.17 (q)		
126	180	126	180	Submission of Information Disclosure Stmt		
581	40	581	40	Recording each patent assignment per property (times number of properties)	40	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))		
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))		
179	740	279	370	Request for Continued Examination (RCE)		
169	900	169	900	Request for expedited examination of a design application		
Other fee (specify) _____						
*Reduced by Basic Filing Fee Paid						SUBTOTAL (3)
						(\$ 170)

SUBMITTED BY						Complete (if applicable)	
Name (Print/Type)	Paul M. Rivard	Registration No. Attorney/Agent)	43,446	Telephone	(202) 508-9100		
Signature						Date	3/6/02

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.